

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

REBECCA TROMBLEE WALSH,

Plaintiff,

1:13-CV-0603
(GTS/ATB)

-vs-

CAROLYN W. COLVIN, in her Official Capacity
as Acting Comm'r of the Soc. Sec. Admin.,

Defendant.

APPEARANCES:

OF COUNSEL:

LEGAL AID SOCIETY OF NORTHEASTERN
NEW YORK, INC.

STUART A. KAUFMAN, ESQ.

Counsel for Plaintiff
112 Spring Street, Suite 109
Syracuse, New York 12866

SOCIAL SECURITY ADMINISTRATION
OFFICE OF REG'L GEN. COUNSEL – REGION II

SANDRA M. GROSSFELD, ESQ.

Counsel for Defendant
26 Federal Plaza, Room 3904
New York, NY 10278

HON. GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

The above matter comes to this Court following a Report-Recommendation by United States Magistrate Judge Andrew T. Baxter, filed on September 12, 2014, recommending that (1) the Commissioner's motion for judgment on the pleadings be denied, (2) Plaintiff's motion for judgment on the pleadings be granted, and (3) the Commissioner's decision denying disability benefits be vacated, and the case be remanded to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). (Dkt. No. 19.) Objections to the Report-Recommendation have not been filed and the time in which to do so has expired. (*See generally*

Docket Sheet.) After carefully reviewing all of the papers herein, including Magistrate Judge Baxter's thorough Report-Recommendation, the Court can find no clear-error in the Report-Recommendation, clear or otherwise. As a result, the Report-Recommendation is accepted and adopted in its entirety; the Commissioner's motion for judgment on the pleadings is denied; Plaintiff's motion for judgment on the pleadings is granted; the Commissioner's decision denying disability benefits is vacated; and the case is remanded to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

ACCORDINGLY, it is

ORDERED that Magistrate Judge Baxter's Report-Recommendation (Dkt. No. 19) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

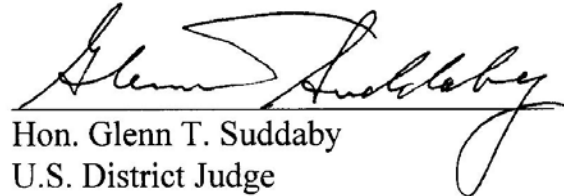
ORDERED the Commissioner's motion for judgment on the pleadings (Dkt. No. 18) is **DENIED**; and it is further

ORDERED that Plaintiff's motion for judgment on the pleadings (Dkt. No. 14) is **GRANTED**; and it is further

ORDERED that the Commissioner's decision denying disability benefits is **VACATED**; and it is further

ORDERED that this matter is **REMANDED** to the Commissioner of Social Security for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

Dated: September 30, 2014
Syracuse, New York


Hon. Glenn T. Suddaby
U.S. District Judge